

106TH CONGRESS  
2D SESSION

# H. R. 5334

To establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork under the medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2000

Mr. DICKEY introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork under the medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Patients Before Paper-  
5 work Medicare Red Tape Reduction Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) Regulations promulgated by the Health  
2       Care Financing Administration to administer the  
3       medicare program under title XVIII of the Social  
4       Security Act are 3 times as long as the regulations  
5       relating to the Internal Revenue Code of 1986.

6           (2) According to American Medical Association  
7       Immediate Past President Dr. Nancy W. Dickey, for  
8       most doctors, “the biggest challenge is getting  
9       through mountains of medicare paperwork”.

10          (3) The Health Care Financing Administration  
11       uses 23 different forms in the administration of the  
12       medicare program.

13          (4) In 1998, the average processing time for  
14       appeals of claims denied under part A of the medi-  
15       care program was 310 days and the average appeal  
16       time was 524 days under part B of such program.

17 **SEC. 3. PATIENTS BEFORE PAPERWORK MEDICARE RED**  
18 **TAPE REDUCTION COMMISSION.**

19       (a) ESTABLISHMENT.—There is established a com-  
20 mission to be known as the Patients Before Paperwork  
21 Medicare Red Tape Reduction Commission (in this section  
22 referred to as the “Commission”).

23       (b) DUTIES OF THE COMMISSION.—The Commission  
24 shall—

1           (1) review existing paperwork burdens and re-  
2           lated regulations under the medicare program under  
3           title XVIII of the Social Security Act (42 U.S.C.  
4           1395 et seq.), with the goal of reducing the paper-  
5           work burdens under such program;

6           (2) analyze whether existing and proposed pa-  
7           perwork requirements and related regulations have  
8           proven benefits, including a positive health benefit  
9           for medicare beneficiaries;

10          (3) make recommendations regarding methods  
11          to streamline and to simplify the coding method for  
12          items and services for which reimbursement is pro-  
13          vided under the medicare program;

14          (4) make recommendations regarding the facili-  
15          tation of electronic filing of claims for reimburse-  
16          ment and the elimination of paperwork under the  
17          medicare program;

18          (5) develop a standard form that will minimize  
19          any duplication of data and that facilitates the cre-  
20          ation of an electronic system that relies on less pa-  
21          perwork than the current system;

22          (6) determine the effect of the paperwork re-  
23          quirements under the medicare program on relation-  
24          ships between doctors and patients; and

1           (7) review and analyze such other matters relat-  
2           ing to paperwork reduction under the medicare pro-  
3           gram as the Commission deems appropriate.

4           (c) MEMBERSHIP.—

5           (1) COMPOSITION.—The Commission shall be  
6           composed of 10 voting members appointed in accord-  
7           ance with paragraph (2) and one ex officio voting  
8           member designated under paragraph (3).

9           (2) IN GENERAL.—Not later than 60 days after  
10          the date of the enactment of this Act, members of  
11          the Commission shall be appointed as follows:

12                 (A) The President shall appoint 3 mem-  
13                 bers, of whom not more than 2 shall be of the  
14                 same political party.

15                 (B) The majority leader of the Senate,  
16                 after consultation with the minority leader of  
17                 the Senate, shall appoint 3 members, of whom  
18                 not more than 2 shall be of the same political  
19                 party.

20                 (C) The Speaker of the House of Rep-  
21                 resentatives, after consultation with the minor-  
22                 ity leader of the House of Representatives, shall  
23                 appoint 3 members, of whom not more than 2  
24                 shall be of the same political party.

1           (D) The President, majority leader of the  
2           Senate, and the Speaker of the House of Rep-  
3           resentatives shall jointly appoint 1 member,  
4           who shall serve as Chairperson of the Commis-  
5           sion.

6           (3) EX OFFICIO MEMBER.—The Secretary of  
7           Health and Human Services (or the Secretary’s des-  
8           ignee) shall serve as an ex officio member of the  
9           Commission.

10          (4) QUALIFICATIONS.—

11               (A) IN GENERAL.—Subject to subpara-  
12               graph (B), each member appointed under para-  
13               graph (2) shall be a health care provider, in-  
14               surer, an individual with expertise in the medi-  
15               care program, or a medicare beneficiary.

16               (B) INCLUSION OF PRACTICING PHYSI-  
17               CIANS.—At least 1 member appointed under  
18               paragraph (2) shall be a practicing physician.

19           (5) TERMS OF APPOINTMENT.—The term of  
20           any appointment under paragraph (1) to the Com-  
21           mission shall be for the life of the Commission.

22           (6) MEETINGS.—The Commission shall meet at  
23           the call of its Chairperson or a majority of its mem-  
24           bers.

1           (7) QUORUM.—A quorum shall consist of a ma-  
2           jority of the members of the Commission, except  
3           that 3 members may conduct a hearing under sub-  
4           section (e)(1).

5           (8) VACANCIES.—A vacancy on the Commission  
6           shall be filled in the same manner in which the origi-  
7           nal appointment was made not later than 30 days  
8           after the Commission is given notice of the vacancy  
9           and shall not affect the power of the remaining  
10          members to execute the duties of the Commission.

11          (9) COMPENSATION.—Members of the Commis-  
12          sion shall receive no additional pay, allowances, or  
13          benefits by reason of their service on the Commis-  
14          sion.

15          (10) EXPENSES.—Each member of the Com-  
16          mission shall receive travel expenses and per diem in  
17          lieu of subsistence in accordance with sections 5702  
18          and 5703 of title 5, United States Code.

19          (d) STAFF AND SUPPORT SERVICES.—

20                (1) EXECUTIVE DIRECTOR.—

21                    (A) APPOINTMENT.—The Chairperson  
22                    shall appoint an executive director of the Com-  
23                    mission.

24                    (B) COMPENSATION.—The executive direc-  
25                    tor shall be paid the rate of basic pay for level

1 V of the Executive Schedule under section 5316  
2 of title 5, United States Code.

3 (2) STAFF.—With the approval of the Commis-  
4 sion, the executive director may appoint such per-  
5 sonnel as the executive director considers appro-  
6 priate.

7 (3) APPLICABILITY OF CIVIL SERVICE LAWS.—  
8 The staff of the Commission shall be appointed with-  
9 out regard to the provisions of title 5, United States  
10 Code, governing appointments in the competitive  
11 service, and shall be paid without regard to the pro-  
12 visions of chapter 51 and subchapter III of chapter  
13 53 of such title (relating to classification and Gen-  
14 eral Schedule pay rates).

15 (4) EXPERTS AND CONSULTANTS.—With the  
16 approval of the Commission, the executive director  
17 may procure temporary and intermittent services  
18 under section 3109(b) of title 5, United States Code.

19 (5) PHYSICAL FACILITIES.—The Administrator  
20 of General Services shall locate suitable office space  
21 for the operation of the Commission. The facilities  
22 shall serve as the headquarters of the Commission  
23 and shall include all necessary equipment and  
24 incidentals required for the proper functioning of the  
25 Commission.

1 (e) POWERS OF COMMISSION.—

2 (1) HEARINGS AND OTHER ACTIVITIES.—For  
3 the purpose of carrying out its duties, the Commis-  
4 sion may hold such hearings and undertake such  
5 other activities as the Commission determines to be  
6 necessary to carry out its duties.

7 (2) STUDIES BY GAO.—Upon the request of the  
8 Commission, the Comptroller General of the United  
9 States shall conduct such studies or investigations as  
10 the Commission determines to be necessary to carry  
11 out its duties.

12 (3) COST ESTIMATES BY CONGRESSIONAL  
13 BUDGET OFFICE AND OFFICE OF THE CHIEF ACTU-  
14 ARY OF HCFA.—

15 (A) The Director of the Congressional  
16 Budget Office or the Chief Actuary of the  
17 Health Care Financing Administration shall  
18 provide to the Commission, upon the request of  
19 the Commission, such cost estimates as the  
20 Commission determines to be necessary to carry  
21 out its duties.

22 (B) The Commission shall reimburse the  
23 Director of the Congressional Budget Office for  
24 expenses relating to the employment in the of-  
25 fice of the Director of such additional staff as



1           may be necessary for the Director to comply  
2           with requests by the Commission under sub-  
3           paragraph (A).

4           (4) DETAIL OF FEDERAL EMPLOYEES.—Upon  
5           the request of the Commission, the head of any Fed-  
6           eral agency is authorized to detail, without reim-  
7           bursement, any of the personnel of such agency to  
8           the Commission to assist the Commission in car-  
9           rying out its duties. Any such detail shall not inter-  
10          rupt or otherwise affect the civil service status or  
11          privileges of the Federal employee.

12          (5) TECHNICAL ASSISTANCE.—Upon the re-  
13          quest of the Commission, the head of a Federal  
14          agency shall provide such technical assistance to the  
15          Commission as the Commission determines to be  
16          necessary to carry out its duties.

17          (6) USE OF MAILS.—The Commission may use  
18          the United States mails in the same manner and  
19          under the same conditions as Federal agencies and  
20          shall, for purposes of the frank, be considered a  
21          commission of Congress as described in section 3215  
22          of title 39, United States Code.

23          (7) OBTAINING INFORMATION.—The Commis-  
24          sion may secure directly from any Federal agency  
25          information necessary to enable it to carry out its

1 duties, if the information may be disclosed under  
2 section 552 of title 5, United States Code. Upon re-  
3 quest of the Chairperson of the Commission, the  
4 head of such agency shall furnish such information  
5 to the Commission.

6 (8) ADMINISTRATIVE SUPPORT SERVICES.—  
7 Upon the request of the Commission, the Adminis-  
8 trator of General Services shall provide to the Com-  
9 mission on a reimbursable basis such administrative  
10 support services as the Commission may request.

11 (9) PRINTING.—For purposes of costs relating  
12 to printing and binding, including the cost of per-  
13 sonnel detailed from the Government Printing Of-  
14 fice, the Commission shall be deemed to be a com-  
15 mittee of Congress.

16 (f) REPORT.—Not later than 1 year after the date  
17 on which the final member of the Commission is appointed  
18 under subsection (c), the Commission shall submit to the  
19 President and Congress a report which shall contain a de-  
20 tailed statement of only those recommendations, findings,  
21 and conclusions of the Commission that receive the ap-  
22 proval of at least a majority of the members of the Com-  
23 mission.

1       (g) TERMINATION.—The Commission shall terminate  
2 30 days after the date of submission of the report required  
3 under subsection (f).

4       (h) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated \$500,000 to carry out  
6 this section.

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